



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/676,837	09/30/2003	Markus Cherdron	13913-087001 / 2002P10032	3769
22852 7590 06/01/2007 FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413			EXAMINER TECKLU, ISAAC TUKU	
			ART UNIT 2192	PAPER NUMBER
			MAIL DATE 06/01/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/676,837

Applicant(s)

CHERDRON ET AL.

Examiner

Isaac T. Tecklu

Art Unit

2192

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 March 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 and 9-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 9-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to the amendment filed on 03/02/2007.
2. Claims 1, 16 and 17 have been amended.
3. Claim 8 has been cancelled.
4. A terminal disclaimer in compliance with 37 CFR 1.321(c) has been filed and the rejection under nonstatutory double patenting has been withdrawn.
5. Claims 1-7 and 9-17 have been examined.

Specification

6. The disclosure is objected to because of the following informalities: The specification is devoid of terms such as "computer-readable medium" as recited in claims 1, 16 and 17. The specification discloses mass storage devices for storing and information carriers for embodying computer program instructions. The specification should be written in "full, clear, concise, and exact terms". Examiner has treated computer-readable medium to include non-volatile memory. Appropriate correction is required.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 1-7 and 9-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Weitzman (US 2003/0197726 A1).

Art Unit: 2192

As per claim 1 (Currently amended), Weitzman discloses ~~a computer program product (page 18:13 page 19:46), tangibly embodied in an information carrier, the computer program product being operable to cause data processing apparatus to perform operations comprising~~ A computer-readable medium containing instructions for controlling a data processing system to perform a method, the method comprising the steps of:

establishing a model (e.g. Fig. 1, element 1 and related text), the model implementing application logic of an application; establishing at least one view for presenting the model (in paragraph [0170] "... views are created ..." e.g. Fig. 1, element 3 and related text);

establishing at least one controller for manipulating the model (e.g. Fig. 1, element 2 and related text); and

establishing at least one storage area (e.g. Fig. 8, element 804 and related text), the storage area relating to the controller and storing an instance of a first data structure, the instance of the first data structure comprising application data having been stored in the storage area by an access method (in paragraph [0077] "... instance or class variables ..." e.g. Fig. 8, element 809 and related text), the first data structure having been declared prior to execution of the application, wherein the access method is part of an application programming interface (API) for accessing the instance of the first data structure (in paragraph [0145] "... executes programs that are loaded from the storage ..." and in paragraph [0159] "... API's ...").

As per claim 2, Weitzman discloses the product of claim 1, wherein the controller relates to the view, the view comprises a user interface (UI) element, and the UI element is bound to the first data structure (e.g. Fig. 8, element 813 and related text).

As per claim 3, Weitzman discloses the product of claim 1, wherein the instance of the first data structure comprises one or more node elements, each node element comprising one or more data fields based on the first data structure (in paragraph [0154] "... individual nodes communicate directly ..." e.g. Fig. 8, element 812, 802 and related text).

As per claim 4, Weitzman discloses the product of claim 3, wherein one or more of the node elements are grouped into a node collection (in paragraph [0155] "... cooperate as a grid group ...").

As per claim 5, Weitzman discloses the product of claim 4, wherein one or more of the node elements in the node collection are grouped into a node selection (in paragraph [0155] "... grid group ... using MVCT architecture ...").

As per claim 6, Weitzman discloses the product of claim 5, wherein one of the node elements in the node selection is identified as a lead selection element (in paragraph [0155] "... the status of the grid ...").

As per claim 7, Weitzman discloses the product of claim 6, wherein the controller relates to the view, the view comprises a UI element, the UI element is bound to the first data structure, and the UI element displays data from the lead selection element (e.g. Fig. 8, element 813 and related text).

As per claim 8, Weitzman discloses the product of claim 1, wherein the access method is part of an application programming interface (API) for accessing the instance of the first data structure (in paragraph [0159] "... API's ...").

As per claim 9, Weitzman discloses the product of claim 1, wherein the operations further comprise: establishing an instance of a second data structure, the second data structure having been declared to be a child of the first data structure prior to execution of the application (e.g. Fig. 8, element 809 and related text).

As per claim 10, Weitzman discloses the product of claim 9, wherein the instance of the first data structure comprises one or more node elements of a first type grouped into a first node collection, and the instance of the second data structure comprises one or more node elements of a second type grouped into a second node collection (in paragraph [0154] "... individual nodes communicate directly ..." e.g. Fig. 8, element 812, 802 and related text).

As per claim 11, Weitzman discloses the product of claim 10, wherein one of the node elements in the first node collection is identified as a selected element, and wherein the node elements in the second node collection depend on the selected element (in paragraph [0155] "... the status of the grid ...").

As per claim 12, Weitzman discloses the product of claim 10, wherein the second node collection has a state (in paragraph [0163] "... state indicates an anomaly that needs ...").

As per claim 13, Weitzman discloses the product of claim 12, wherein the state is selected from the group of valid, invalid (in paragraph [0163] "... state indicates an anomaly that needs ..."), and unfilled (in paragraph [0163] "... indicating it is fully utilized ...").

As per claim 14, Weitzman discloses the product of claim 13, wherein the operations further comprise establishing a supply function for determining the content of the node elements in the second node collection when the state of the second node collection is invalid or unfilled (in paragraph [0163] "... icons are colored to represent the aggregated ...").

As per claim 15, Weitzman discloses the product of claim 14, wherein the supply function is implemented as a method of the controller (in paragraph [0018] "... action data from a controller ...").

As per claim 16, Weitzman discloses a computer-readable medium containing instructions for controlling a data processing system to perform a method ~~a computer program product, tangibly embodied in an information carrier~~, for supplying data to a view presenting a model, the view having at least one user interface (UI) element and relating to a controller for manipulating the model (e.g. Fig. 1 and related text), the method ~~computer program product being operable to cause data processing apparatus to perform operations~~ comprising:

creating a run-time data structure in a storage area that relates to the controller, the runtime data structure being based on a design-time data structure (in paragraph [0159] "... application run time ..."), the design-time data structure including a structure element that is bound to the UI element (e.g. Fig. 14 and related text); and

using a supply function to provide content for the run-time data structure (in paragraph [0159] "... status information is displayed ..." e.g. Fig. 14, element 1304 and related text).

As per claim 17, Weitzman discloses a computer-readable medium containing instructions for controlling a data processing system to perform a method ~~a computer program product, tangibly embodied in an information carrier~~, for accessing application data by an

Art Unit: 2192

application using a model of the application and at least one controller for manipulating the model (e.g. Fig. 1 and related text), the method ~~computer program product being operable to cause data processing apparatus to perform operations~~ comprising:

providing a storage area that relates to the controller, the storage area being organized according to a design-time data structure having declared relationships between the application data, and storing a run-time data structure that is based on the design-time data structure (in paragraph [0159] "... application run time ...");

accessing a structure element of the run-time data structure, the structure element comprising a node collection (in paragraph [0076] "... provides the access ...");

evaluating the node collection; and if the result of evaluating the node collection requires filling at least one element of the node collection (in paragraph [0010] "... determines to which views the model change notifications ... sends model change information ..."): sending a query to a computer system (e.g. TABLE 5 and related text); and

in response to the query, receiving from the computer system at least one data instance that is used to fill the at least one element of the node collection (in paragraph [0100] "... receive an event indicating ...").

Response to Arguments

9. Applicant's arguments filed 10/11/2006 have been fully considered but they are not persuasive.

In the remark, the applicant argues:

Independent claim 1 recites a combination including, *inter alia*, "the access method is part of an application programming interface (API) for accessing the instance of the first data structure." Weitzman fails to disclose at least this claim element.

Independent claim 16 recites a combination including, *inter alia*, "the design-time data structure including a structure element that is bound to the UI element." Weitzman fails to

Art Unit: 2192

disclose at least this claim element.

Independent claim 17 recites a combination including, *inter alia*, "in response to the query, receiving from the computer system at least one data instance that is used to fill the at least one element of the node collection." Weitzman fails to disclose at least this claim element.

Since Weitzman fails to teach each and every element of independent claims 1, 16, and 17, the rejection of claims 1, 16, and 17 under 35 U.S.C. § 102(e) is improper and must be withdrawn.

Examiner's Response:

Applicant's arguments fail to comply with 37 CFR 1.111 (b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references. The argument is therefore not persuasive. Moreover, as noted in claim 1 above, Weitzman also teaches such new claimed limitation – See paragraph [0145] and [0159].

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

Art Unit: 2192

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Isaac T. Tecklu whose telephone number is (571) 272-7957. The examiner can normally be reached on M-TH 9:300A - 8:00P.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Q. Dam can be reached on (571) 272-3695. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Isaac Tecklu
Art Unit 2192



TUAN DAM
SUPERVISORY PATENT EXAMINER